

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-CR-018-WKW
)	
SHERRY DIANE PETTIS,)	
)	
Defendant.)	

ORDER

This case is before the Court on the defendant's Unopposed Motion to Continue Trial (Doc. # 14), filed on May 1, 2006. The criminal case is currently set for trial during the June 26, 2006 term. For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best

interest of the public and Ms. Pettis in a speedy trial. In support of her motion, Ms. Pettis represented that her attorney will be away on military duty for four of the five weeks immediately preceding the June 26, 2006 trial term. He will not return to Montgomery until June 25, 2006. The government does not oppose a continuance, and Ms. Pettis has filed a waiver of her Speedy Trial Act rights.

Accordingly, it is ORDERED that the defendant's Unopposed Motion to Continue Trial (Doc. # 14) is GRANTED. Trial in this matter is continued from June 26, 2006, to the criminal term of court beginning on October 16, 2006, at 10:00 a.m.

DONE this the 9th day of June, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE